



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States District Courthouse
300 Quarropas Street
White Plains, New York 10601*

April 28, 2022

VIA ECF AND EMAIL

The Honorable Richard J. Sullivan
United States Circuit Judge
United States Court of Appeals for the Second Circuit
500 Pearl Street, Room 2530
New York, New York 10007

Re: *United States v. Mark Maiuzzo*, 16 Cr. 522 (RJS)

Dear Judge Sullivan:

The parties respectfully and jointly write to request that the Court schedule a Violation of Supervised Release (“VOSR”) hearing for the above-captioned defendant.

As the Court is aware, on or about December 1, 2021, the United States Department of Probation (“Probation”) conducted a search of the defendant’s Westchester County residence, resulting in the seizure of approximately 75 grams of controlled substances, which subsequently tested positive for cocaine (and not cocaine base, as originally speculated).

Earlier today, the defendant, through his attorney, provided the Government with a signed Notice of Intent to File an Information, and conveyed his intention to plead guilty to one count of possession with intent to distribute narcotics, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(c). The matter has not yet been assigned to a district court judge and a plea has not yet been scheduled.

Counsel further advises that the defendant is prepared to admit to both of the alleged VOSR specifications – even before the underlying criminal matter is resolved – assuming that Probation amends the first specification (“Specification One”) to accurately reflect the defendant’s intention to distribute cocaine (and not “crack cocaine,” as presently alleged).¹ To that end, and accounting for defense counsel’s availability, the parties jointly and respectfully request that the Court schedule a VOSR hearing, at any date and time convenient to the Court, on or after Monday, May 9, 2022.

¹ Probation Officer Joseph Lombardo intends to so amend Specification One in advance of the next scheduled VOSR hearing.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

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Cc: Jill R. Shellow, Esq. (via ECF and Email)
Joseph J. Lombardo, U.S.P.O. (via Email)

IT IS HEREBY ORDERED THAT the parties shall appear before the Court for a VOSR admission on Tuesday, May 17, 2022 at 11:00 a.m. at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007. The Court will announce at a later date the exact courtroom in which the proceeding will take place.

SO ORDERED:

Dated: 4/29/2022


RICHARD J. SULLIVAN
U.S.C.J., Sitting by Designation